

ORIGINAL



0000129430

RECEIVED

2011 SEP -8 P 3:26

AZ CORP COMMISSION
DOCKET CONTROL

FENNEMORE CRAIG
A Professional Corporation
Patrick J. Black (No. 017141)
3003 North Central Avenue, Suite 2600
Phoenix, Arizona 85012
Telephone (602) 916-5000

Attorney for Rio Rico Utilities, Inc.

BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE APPLICATION
OF RIO RICO UTILITIES, INC. FOR AN
EXTENSION OF AN EXISTING
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE WATER UTILITY
SERVICE IN SANTA CRUZ COUNTY,
ARIZONA

DOCKET NO. WS-02676A-11-0134

**NOTICE OF LATE-FILED
EXHIBIT**

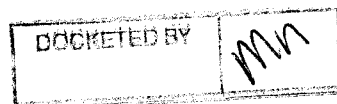
Rio Rico Utilities, Inc. ("RRUI"), an Arizona public service corporation, hereby submits this Notice of Late-Filed Exhibit in the above-captioned matter. Attached hereto as Exhibit 1 is a copy of RRUI's current franchise agreement with Santa Cruz County. The legal description contained in the agreement applies only to RRUI's existing certificate of convenience and necessity boundary. Consequently, RRUI intends to amend its franchise agreement with Santa Cruz County to include, at a minimum, the Palo Parado subdivision upon a favorable decision by the Commission in this proceeding.

RESPECTFULLY SUBMITTED this 8th day of September, 2011.

FENNEMORE CRAIG, P.C.

Arizona Corporation Commission
DOCKETED

SEP 8 2011



By:

Patrick J. Black
Attorney for Rio Rico Utilities Inc.

1 **ORIGINAL** and 13 copies filed
2 this 8th day of September, 2011 with:

3 Docket Control
4 Arizona Corporation Commission
5 1200 West Washington Street
6 Phoenix, Arizona 85007

7 **COPY** of the foregoing hand-delivered
8 this 8th day of September, 2011 to:

9 Belinda Martin
10 Hearing Division
11 Arizona Corporation Commission
12 1200 W. Washington St.
13 Phoenix, AZ 85007

14 Bridget Humphrey, Esq.
15 Legal Division
16 Arizona Corporation Commission
17 1200 W. Washington St.
18 Phoenix, AZ 85007

19 Vicki Wallace
20 Utilities Division
21 Arizona Corporation Commission
22 1200 W. Washington St.
23 Phoenix, AZ 85007

24 By: 

25 2490741.1/080191.0007
26

EXHIBIT 1

Sewer & Water
(thru 2017)
[Water]

F R A N C H I S E

WHEREAS, RIO RICO UTILITIES INC., an Arizona corporation, has acquired from Citizens Utilities Company all of the water plant and water distribution system previously used to supply the hereinafter described area, which is without the confines of an incorporated city or town, in the County of Santa Cruz, State of Arizona, with water for domestic and commercial use; and

WHEREAS, by Resolution No. 1993-19 duly adopted by the Santa Cruz County Board of Supervisors ("Board") on April 21, 1993, the Water Franchise issued to Citizens Utilities Company on December 4, 1967 was renewed nunc pro tunc as of December 4, 1992 for a term of twenty-five (25) years; and

WHEREAS, by Resolution No. 1993-21 duly adopted by the Board on April 21, 1993 the Board authorized the transfer of said Water Franchise to RIO RICO UTILITIES INC. for the duration of the term thereof; and

WHEREAS, in its Regular Meeting on October 27, 1993 the Board confirmed that the aforesaid acquisition by RIO RICO UTILITIES INC. was approved by the Arizona Corporation Commission by Order dated September 3, 1993, and reaffirmed its authorization of transfer of said Water Franchise upon closing of said acquisition; and

WHEREAS; the Board was notified that said acquisition closed on October 27, 1993;

NOW THEREFORE, be it ordained by the Board of Supervisors of Santa Cruz County that RIO RICO UTILITIES INC. shall have, use

and enjoy, and the same is hereby assigned, confirmed and granted to RIO RICO UTILITIES INC. and to its successors and assigns:

A FRANCHISE for the duration of the term of twenty-five (25) years that commenced on December 4, 1992 for the use of all public streets, highways, roads and alleys now established, or hereafter established, used or dedicated, lying within the following described property:

Those portions of the Baca Float Land Grant No. Three situated in Santa Cruz County, Arizona, described as follows:

1. The South Half of the Baca Float Land Grant No. Three EXCEPT the East 15,000 feet thereof;

2. The West Half of the North Half of the said Baca Float Land Grant No. Three;

for the laying of pipes, conduits, mains, meters, connections and fire plugs and the maintenance of the same, and all thereof for the purpose of supplying said area with water for public utility use.

IT IS EXPRESSLY UNDERSTOOD that the franchise herein granted is made subject to the right of the Board of Supervisors at any time to impose such reasonable restrictions and limitations as to the use of said streets, roads, highways and alleys as may be deemed best for the public safety and welfare.

IT IS FURTHER EXPRESSLY UNDERSTOOD that the Grantee hereof shall bear all expenses, including damages and compensation for any alterations of the directions, surface, grade or alignment of any street, highway, alley or road made for the purpose of this franchise.


IT IS FURTHER EXPRESSLY UNDERSTOOD that the Grantee hereof shall be responsible for any damage or injury resulting to any person or property caused by its use and occupancy under this franchise and that the County of Santa Cruz shall not be liable for damages resulting to the water transmission and distribution and water pipes and mains systems resulting from the use and maintenance of said highways, streets, alleys, avenues and public thoroughfares.

IT IS FURTHER EXPRESSLY UNDERSTOOD with reference to the location and manner of laying said pipes, conduits, mains, etc., the same shall at all times conform to such requirements as are or may hereafter be required by the Board of Supervisors of Santa Cruz County, Arizona.


ORDAINED by the Board of Supervisors of Santa Cruz County, State of Arizona, this 27th day of October, 1993.

BOARD OF SUPERVISORS OF
SANTA CRUZ COUNTY, ARIZONA

By


Chairman

ATTEST:


CLERK, Board of Supervisors,
Santa Cruz County, Arizona

AAL1P626

F R A N C H I S E

WHEREAS, RIO RICO UTILITIES INC., an Arizona corporation, has acquired from Citizens Utilities Company all of the sanitary sewage collection, treatment and disposal system previously used to supply sanitary waste water services within the hereinafter described area, which is without the confines of an incorporated city or town, in the County of Santa Cruz, State of Arizona; and

WHEREAS, by Resolution No. 1993-20 duly adopted by the Santa Cruz County Board of Supervisors ("Board") on April 21, 1993, the Waste Water Franchise issued to Citizens Utilities Company on December 4, 1967 was renewed nunc pro tunc as of December 4, 1992 for a term of twenty-five (25) years; and

WHEREAS, by Resolution No. 1993-22 duly adopted by the Board on April 21, 1993 the Board authorized the transfer of said Waste Water Franchise to RIO RICO UTILITIES INC. for the duration of the term thereof; and

WHEREAS, in its Regular Meeting on October 27, 1993 the Board confirmed that the aforesaid acquisition by RIO RICO UTILITIES INC. was approved by the Arizona Corporation Commission by Order dated September 3, 1993, and reaffirmed its authorization of transfer of said Waste Water Franchise upon closing of said acquisition; and

WHEREAS; the Board was notified that said acquisition closed on October 27, 1993;

NOW THEREFORE, be it ordained by the Board of Supervisors of Santa Cruz County that RIO RICO UTILITIES INC. shall have, use

and enjoy, and the same is hereby assigned, confirmed and granted to RIO RICO UTILITIES INC. and to its successors and assigns:

A FRANCHISE for the duration of the term of twenty-five (25) years that commenced on December 4, 1992 for the use of all streets, highways, roads and alleys now established, or hereafter established, used or dedicated, lying within the following described property:

Those portions of the Baca Float Land Grant No. Three situated in Santa Cruz County, Arizona, described as follows:

1. The South Half of the Baca Float Land Grant No. Three EXCEPT the East 15,000 feet thereof;

2. The West Half of the North Half of the said Baca Float Land Grant No. Three;

for laying down and maintaining sewage collection lines, and the construction and maintenance of treatment and disposal facilities and other works and things necessary or convenient for the operation of a sanitary sewage collection system and treatment and disposal facilities.

IT IS EXPRESSLY UNDERSTOOD that the franchise herein granted is made subject to the right of the Board of Supervisors at any time to impose such reasonable restrictions and limitations as to the use of said streets, roads, highways and alleys as may be deemed best for the public safety and welfare.

IT IS FURTHER EXPRESSLY UNDERSTOOD that the Grantee hereof shall bear all expenses, including damages and compensation for any alterations of the directions, surface, grade or alignment of any street, highway, alley or road made for the purpose of this franchise.

IT IS FURTHER EXPRESSLY UNDERSTOOD that the Grantee hereof shall be responsible for any damage or injury resulting to any person or property caused by its use and occupancy under this franchise and that the County of Santa Cruz shall not be liable for damages resulting to the sewage system from the use and maintenance of said highways, streets, alleys, avenues and public thoroughfares.

IT IS FURTHER EXPRESSLY UNDERSTOOD with reference to the location and manner of laying said sewer pipes and facilities that the same shall at all times conform to such requirements as are or may hereafter be required by the Board of Supervisors of Santa Cruz County, Arizona.


ORDAINED by the Board of Supervisors of Santa Cruz County, State of Arizona, this 27th day of October, 1993.

BOARD OF SUPERVISORS OF
SANTA CRUZ COUNTY, ARIZONA

By


Chairman

ATTEST:


CLERK, Board of Supervisors,
Santa Cruz County, Arizona

AALIF62B

***** -JOURNAL- ***** DATE NOV-09-1993 ***** TIME 16:11 *****

DATE/TIME = NOV-09 16:10
JOURNAL NO. = 12
COMM.RESULT = OK
PAGES = 01
DURATION = 00:00'47
MODE = XMT
STATION NAME =
TELEPHONE NO. = T 16026409050
RECEIVED ID = 602 640 9050
RESOLUTION = STANDARD

-SANTA CRUZ CO. ATTORNEY -

***** - 602 761 1901- *****